

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA)
vs.) No. 08 C 1966
MICHAEL SPANO, SR.) Judge John F. Grady

**GOVERNMENT'S MOTION TO FILE INSTANTER A SUPPLEMENTAL
RESPONSE TO DEFENDANT MICHAEL SPANO, SR.'S MOTION TO VACATE
HIS JUDGMENT AND SENTENCE**

The UNITED STATES OF AMERICA, by PATRICK J. FITZGERALD, United States Attorney for the Northern District of Illinois, and moves this Court to allow the government to file instanter a supplemental response to defendant Michael Spano, Sr.'s motion under Title 28, United States Code, Section 2255 to vacate or set aside the judgment and sentence in his case.

1. On July 14, 2008, defendant Spano, Sr. filed his reply to government's response to his motion to vacate the judgment and sentence in his case.

2. In his reply, Defendant Spano, Sr. raised a new argument questioning the validity of Chief Judge Aspen's order of December 21, 2001 extending the term of the Special July 2000-1 Grand Jury that merits a response by the government.

Wherefore, the United States respectfully requests this Court allow it to file instanter a supplemental response to defendant Michael Spano, Sr.'s motion under Title 28, United States Code, Section 2255 to vacate or set aside the judgment and sentence in his case.

Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned Assistant United States Attorney hereby certifies that in accordance with Fed. R. Crim. P. 49, Fed. R. Civ. P. 5, LR5.5, and the General Order on Electronic Case Filing (ECF), the following document:

**GOVERNMENT'S MOTION TO FILE INSTANTER A
SUPPLEMENTAL RESPONSE TO DEFENDANT MICHAEL SPANO,
SR.'S MOTION TO VACATE HIS JUDGMENT AND SENTENCE**

were served pursuant to the district court's ECF system as to ECF filers, if any, and were sent by first-class mail on August 1, 2008, to the following non-ECF filers:

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